

COMMUNICATIONS TECHNOLOGIES, INC. DOCKET FILE COPY ORIGINAL
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~ Via Federal Express -AM ~

January 23, 1998

92-52

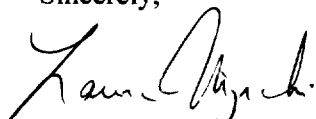
Ms. Magalie Roman Salas
Secretary
FEDERAL COMMUNICATIONS COMMISSION
1919 M Street, NW - Room 222
Washington, DC 20554
PHONE: (202) 418-0300

RE: MM DOCKET NO. 97-234

Dear Ms. Salas:

Please find attached the original and four (4) copies of Comments by **Communications Technologies, Inc.** in the above noted matter. A separate copy is enclosed to be date stamped and returned to the Commenter.

Sincerely,



Laura M. Mizrahi
LMM/es

Enclosure

fc: Salas.1lt

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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

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JAN 26 1998

FCC MAIL ROOM

In the Matter of)	
)	
Implementation of Section 309(j))	MM Docket No. 97-234
of the Communications Act)	
-- Competitive Bidding for Commercial)	
Broadcast and Instructional Television Fixed)	
Service Licenses)	
)	
Reexamination of the Policy)	GC Docket No. 92-52
Statement on Comparative)	
Broadcast Hearings)	
)	
Proposals to Reform the Commission's)	GEN Docket No. 90-264
Comparative Hearing Process to)	
Expedite the Resolution of Cases)	

COMMENTS OF COMMUNICATIONS TECHNOLOGIES, INC.

The Radio Frequency and Broadcast Engineering consulting firm of *Communications Technologies, Inc. ("CTI")* herein files comments concerning the above noted Notice of Proposed Rule Making. CTI is regularly engaged in the preparation of engineering statements and the engineering portions of FCC Applications for Construction Permit, and has a number of clients with pending applications currently on file with the Commission that would be impacted by the proposed Rule changes. Comments specific to particular issues raised in the proceeding follow.

1. In Paragraph 37 of the NPRM, which addresses applications filed prior to July 1, 1997, the Commission seeks Comment on the appropriateness of a 30 day period within which the auction's winning bidder shall prepare and submit any required amendments to previously filed long form applications. CTI believes that a 45 to 60 day period would be a more appropriate time period for the filing of such amendments, particularly if the proposal to conduct a single auction of all pending mutually exclusive applications as described in Paragraph 43 of the NPRM is adopted, due to the fact that a single applicant may be the winning bidder in several auctions and the preparation of amendments for numerous applications may require more than 30 days.

2. With respect to Paragraph 42 of the NPRM and the possible inclusion of as yet unfilled applications in the post June 30, 1997 group of applications eligible to participate in the auction process. **CTI** views this consideration as unfair, inequitable and not in keeping with the public interest desires of the Commission to timely initiate a new service. Those applicants that filed within a previously established filing window did so in the belief that only applications filed during that period would be eligible to participate in either a comparative hearing or auction process. To accept new mutually exclusive applications under these circumstances would place an unfair burden on those applicants which previously paid for and prepared long form applications as required under the previous Rules. The filing windows should remain closed.

3. **CTI** supports the proposals in Paragraph 70 of the NPRM with respect to the Commission's consideration of "pre-acceptance processing" of submitted engineering data. It appears logical that all applications should include supporting technical data at the outset so as to avoid the possibility of the filing and acceptance of a potentially unfeasible technical proposal which could not ultimately be implemented. Such an event would not support the public interest initiatives of the Commission to implement a new service in as timely a fashion as possible.

4. **CTI** supports the continuation of the Commission's general policy, as described in Paragraph 74 of the NPRM, of imposing bid withdrawal and default payment requirements in cases where a high bid may be withdrawn during the course of an auction, or winning bidders fail to pay the winning bid or submit required long form applications. This policy seems necessary to ensure that only serious bidders with a genuine desire to initiate new service will participate in the auction process.

5. Regarding the time period within which long form applications must be submitted by a winning bidder, as described in Paragraph 76 of the NPRM, **CTI** again suggests that this time frame be extended to 45-60 days in the event that the winning bidder must submit data for multiple applications.

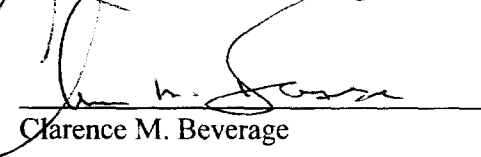
6. For the reasons described in Paragraphs 1 and 5 of these Comments, **CTI** strongly urges the Commission to adopt a more realistic time frame for the filing of Petitions to Deny a winning bidder's long form applications as described in Paragraph 77 of the NPRM. Five days is simply not a sufficient amount of time for a thorough review of both the legal and engineering aspects of a long form application and the preparation of an appropriate response. **CTI** suggests remaining with the current 30 day period, at minimum, after the application goes on public notice.

7. **CTI's** final Comment in this proceeding addresses Paragraph 81 of the NPRM regarding the possible elimination of "reasonable assurance" of site availability in the filing of FCC Form 301, 346 and 349 applications. Although applicants may be required to prepare and submit completed long form applications in a relatively short period of time, the elimination of this requirement at the outset is more likely to result in delay, and untimely construction of facilities as many applicants may need to amend to a viable site in order to implement a construction permit. **CTI** urges the retention of the requirement of "reasonable assurance" in the filing of all long form applications. The Commission's concern over the "... brief period of time that winning bidders will have to prepare and file their complete long form applications ..." supports **CTI's** earlier voiced recommendation that the proposed time frame for the filing of long form applications be extended to between 45-60 days.

8. In conclusion, **CTI** urges the Commission to move forward swiftly in this proceeding so that the present freeze on new and major change modifications may be lifted. Timely elimination of the freeze and implementation of new Rules will be in the best interest of the public and the broadcast community.

Respectfully Submitted,
Communications Technologies, Inc.

By: 
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By: 
Clarence M. Beverage

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